



National Assistance Act 1948

1948 CHAPTER 29

PART II

NATIONAL ASSISTANCE.

Giving of Assistance by Board.

4 Duty of Board to assist persons in need.

It shall be the duty of the Board in accordance with the following provisions of this Part of this Act to assist persons in Great Britain who are without resources to meet their requirements, or whose resources (including benefits receivable under the National Insurance Acts, 1946) must be supplemented in order to meet their requirements.

5 Determination of need for assistance.

- (1) The question whether a person is in need of assistance, and the nature and extent of any assistance to be given to him, shall, subject to the provisions of this Act as to appeals, be decided by the Board.
- (2) The Minister of National Insurance shall in accordance with the provisions of the next following section make regulations as to the computation of requirements and resources for the purposes of this Part of this Act and as to the decision of any such question as aforesaid, and the Board shall give effect to the relevant provisions of the regulations.
- (3) Regulations under this section may make different provision for different classes of cases, and in particular shall make special provision for blind persons and persons who have suffered a loss of income in order to undergo treatment for tuberculosis of the respiratory system.
- (4) Regulations under this section shall include provision for securing that the rules as to disregarding certain assets set out in the Second Schedule to this Act shall be observed in computing resources.

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6 Preparation, making and coming into operation of regulations under section five.

- (1) The Board shall as soon as may be after the passing of this Act, and thereafter from time to time as occasion may require, prepare and submit to the Minister of National Insurance (in this section referred to as " the Minister ") draft regulations under the last foregoing section.
- (2) The Minister shall consider any draft submitted to him under the last foregoing subsection and shall make draft regulations either in the form of the draft as submitted or with such variations and amendments as he thinks fit.
- (3) Where the Minister makes any draft regulations otherwise than in the form of the draft submitted to him, then before making the draft regulations he shall inform the Board of the variations and amendments which he intends to make, the Board shall report to him thereon, and he shall consider the report.
- (4) Any draft regulations made by the Minister under this section shall be laid before Parliament as soon as may be after they are made, and, if the draft regulations so laid are made otherwise than in the form submitted to the Minister, there shall also be laid before Parliament a statement of the Minister's reasons for, and a copy of the report of the Board on, the variations and amendments made by him.
- (5) If each House resolves that draft regulations made by the Minister under this section be approved, the Minister shall in the terms of the draft make regulations under the last foregoing section to take effect on such date as may be specified in the regulations.

7 Aggregation of requirements and resources.

- (1) Where it appears to the Board that an applicant for assistance has to provide for requirements of some other person being a member of the same household, the Board shall, subject to the provisions of this Act, give assistance by reference to the aggregate requirements and aggregate resources of the applicant and the said other person.
- (2) Where in the giving of assistance to an applicant therefor the requirements of another person are taken into account, that person is in this Act referred to as a dependant of the applicant.
- (3) Where a husband and wife are members of the same household, their requirements and resources shall in all cases be aggregated for the purposes of this Part of this Act.
- (4) Notwithstanding anything in the foregoing provisions of this section, where it appears to the Board expedient so to do for the purpose of giving assistance in accordance with the provisions of subsection (3) of section eight or the provisions of section ten of this Act, the Board may decline to treat as a dependant of an applicant for assistance any person who has attained the age of sixteen years.
- (5) No application for assistance shall be made by a person who has not attained the age of sixteen years, but nothing in this subsection shall prejudice the giving of assistance by reference to the requirements of any such person as a dependant of another person.
- (6) Regulations under section five of this Act shall include provision for securing, in the case of a person being a member of a household,—
 - (a) that the resources of any other member of the household, not being the husband or wife, or a dependant, of the said person, shall not be treated as resources of the said person;

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- (b) that if he is the householder his resources shall, unless exceptional circumstances are shown, be deemed to include contributions at the prescribed rate towards the expenses of the household from members thereof who are not dependants of his:

Provided that paragraph (b) of this subsection shall not have effect in relation to a householder who is a blind person or the husband or wife of a blind person.

8 Assistance grants.

- (1) Subject to the provisions of this Part of this Act, the Board shall discharge their duty to give assistance by the making of grants in money (hereafter in this Act referred to as "assistance grants").
- (2) Where it appears to the Board that it is necessary for protecting the interests of an applicant for an assistance grant or of his dependants that the whole or any part of the grant should be issued to some person other than the applicant, the Board may issue the grant accordingly.
- (3) The Board may require, as a condition of the making of an assistance grant to a person, that he shall be registered for employment in such manner as may be prescribed by the Board.
- (4) Stamp duty shall not be chargeable on any receipt for an assistance grant.

9 Disqualifications for assistance grants.

- (1) An assistance grant shall not be made to meet the requirements of a person (including requirements to provide for any other person) for any period during which that person is engaged in remunerative full-time work, and where a husband and wife are members of the same household no assistance grant shall be made to meet the requirements of the wife for any period during which the husband is so engaged:

Provided that this subsection shall not, where regulations of the Board so provide, apply until the expiration of such time from the beginning of the engagement as may be prescribed by the regulations.

- (2) The last foregoing subsection shall not apply in the case of work otherwise than under a contract of service where the earning power of the person engaged in the work is, by reason of a disability, substantially reduced in comparison with that of other persons similarly occupied.
- (3) An assistance grant shall not be made to meet the requirements of a person, other than requirements to provide for any other person, for any period during which he is without employment by reason of a stoppage of work which was due to a trade dispute at his place of employment and during which the stoppage of work continues, unless during the stoppage of work he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation :

Provided that this subsection shall not apply in the case of a person who proves—

- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
- (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed

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at his place of employment any of whom are participating in or financing or directly interested in the dispute.

10 Assistance in special cases.

- (1) Where it appears to the Board that an applicant for assistance, being a person who is not in receipt of unemployment benefit under the National Insurance Act, 1946, refuses or neglects to maintain himself or any person whom for the purposes of this Act he is liable to maintain, the Board may make a report to the Appeal Tribunal, and the Tribunal, after giving the applicant an opportunity of being heard, may direct that during such period as may be specified in the direction he shall be subject to the following provisions of this section.
- (2) The Board may require, as a condition of the making of an assistance grant in respect of any such period as aforesaid, that the applicant shall attend such course of instruction or training approved by the Minister of National Insurance for the purpose of this section as the Board may specify and that he shall comply with the rules there in force.
- (3) The Board may, in lieu of giving assistance in respect of any period specified in a direction under subsection (1) of this section by the making of assistance grants, give assistance by maintaining the applicant in a re-establishment centre provided under this Part of this Act or in accordance with arrangements under subsection (4) of this section, or subsection (5) thereof so long as it is in force, and by making to him such payments (if any) for meeting his personal requirements as the Board think fit.
- (4) The Board may enter into arrangements with another Government department or with a voluntary organisation for the maintenance of persons in whose case directions under subsection (1) of this section are in force in a centre provided by the department or organisation for purposes similar to the purposes of a re-establishment centre.
- (5) The Board may make arrangements with a local authority managing premises in which accommodation is provided under Part III of this Act for the maintenance of such persons as aforesaid in accommodation provided in the premises for the purposes of this subsection.
- (6) Where a person in whose case a direction under subsection (1) of this section is in force represents to the Appeal Tribunal that there has been a change of circumstances and that by reason thereof the direction ought to be revoked, the Tribunal, after giving the Board an opportunity of being heard, may if they think fit revoke the direction.
- (7) Subsection (5) of this section shall continue in force for two years and no longer.

11 Disqualification etc. not to prevent assistance in cases of urgency.

- (1) Nothing in the two last foregoing sections nor any disqualification or condition attaching thereunder shall prevent the Board's making an assistance grant in an urgent case, and in the making of a grant by virtue of this subsection the Board shall not be bound by any regulations under this Part of this Act which appear to them inappropriate in the circumstances of the case.
- (2) Where by virtue only of the last foregoing subsection the Board make an assistance grant to meet the requirements of a person engaged in remunerative full-time work, they may recover from him the whole or part of the assistance grant if they are satisfied that the circumstances are such that it is equitable so to do.

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12 Assistance in kind.

- (1) Where it appears to the Board that by reason of special circumstances the requirements of a person can best be met by giving in kind the whole or part of assistance of which he is in need, the Board may so give assistance instead of giving assistance in money.
- (2) References in this Part of this Act to the giving of assistance in kind include references to the issuing of orders for the free provision of goods or services.
- (3) Notwithstanding anything in this Part of this Act or regulations made thereunder in giving assistance in accordance with this section to meet sudden and urgent need the Board may dispense with inquiry into resources or other circumstances and with compliance with any regulations of the Board.
- (4) Subject to the last foregoing subsection, the provisions of this Act other than this section shall apply to assistance given in accordance with this section as they apply to assistance grants, but with the substitution for references to the amount of the grant of references to the value of the assistance.

13 Prevention of duplication of payments.

- (1) Where payments in respect of—
 - (a) unemployment, sickness, maternity, or widow's benefit, guardian's allowance, or retirement pension under the National Insurance Act, 1946,
 - (b) benefit under the National Insurance (Industrial Injuries) Act, 1946,
 - (c) pension under the Old Age Pensions Act, 1936, or
 - (d) allowances under the Family Allowances Act, 1945,are in arrears for any period and assistance grants have been made for that period by reference to the requirements of the person to whom the payments are due, the payments may, at the discretion of the authority administering the benefit, pension or allowances in question, be abated to the extent to which the actual amount of those assistance grants exceeds what would have been their amount, as decided by the Board, if the said payments had not fallen into arrears.
- (2) Where the liabilities of any fund are reduced by virtue of the last foregoing subsection, there shall be paid out of that fund into the Exchequer an amount equal to the reduction.

14 Appeals under Part II.

- (1) Where a person applying for, or in receipt of, assistance is aggrieved by a decision of the Board with respect to any of the following matters, that is to say—
 - (a) a refusal to give assistance;
 - (b) the amount of an assistance grant;
 - (c) the issuing of an assistance grant to a person other than the applicant therefor;
 - (d) any condition subject to which an assistance grant is made;
 - (e) the giving of assistance in kind or the nature or extent of assistance in kind;
 - (f) a decision under subsection (2) of section eleven of this Act to recover the whole or part of an assistance grant;
 - (g) the amount of an abatement under subsection (1) of section thirteen of this Act,he may appeal to the Appeal Tribunal.

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- (2) A notice stating the effect of subsection (1) of this section shall be conspicuously displayed in every office where assistance grants are made.
- (3) Where on an appeal under this section any question arises whether a person is disqualified for an assistance grant by virtue of the provisions of this Part of this Act relating to trade disputes, that question shall be referred by the Appeal Tribunal for determination in the manner provided under section forty-three of the National Insurance Act, 1946, and the provisions of the said section forty-three shall have effect accordingly with respect to any question so referred.
- (4) On an appeal under this section the Appeal Tribunal may confirm the decision of the Board appealed against or substitute therefor any decision which the Board could have made under this Part of this Act, and any decision of the Tribunal shall be conclusive for all purposes.
- (5) Notwithstanding anything in the enactments referred to in subsection (1) of section thirteen of this Act, a decision of the Board as to the amount of any abatement under the said subsection (1) shall, subject to any appeal under this section, be conclusive for the purposes of the said enactments.

15 Supplementary provisions as to assistance.

- (1) The Board may by regulations make provision for carrying this Part of this Act into effect, and in particular (but without prejudice to the generality of this subsection) as to the manner in which applications for assistance are to be made, in which evidence is to be provided of matters relevant to the giving of assistance, and in which assistance grants are to be issued.
- (2) In so far as regulations under this section provide for the issuing of assistance grants through the Post Office, the regulations shall not have effect unless confirmed by the Postmaster General.
- (3) Regulations under this section shall have effect subject to the provisions of regulations under section five of this Act.